

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

DOCKET
04-AFC-1
DATE JUL 05 2005
RECD. JUL 05 2005

In the Matter of)
Application for Certification of the)
San Francisco Electric Reliability Project)
(SFERP))
_____)

Docket No. 04-AFC-1

**APPLICANT'S OBJECTIONS AND NOTICES OF NEED FOR ADDITIONAL
TIME IN RESPONSE TO MR. SARVEY'S JUNE 24, 2005, DATA REQUESTS**

Pursuant to Rule 1716 of the California Energy Commission's (CEC) Rules of Practice and Procedure, the City of San Francisco ("City" or "Applicant") submits the following objections and notices of need for additional time in response to the data requests submitted by Robert Sarvey to the City on June 24, 2005, regarding the San Francisco Electric Reliability Project (SFERP).

2) Please provide a description of the area where the enhanced street sweeping will occur and an explanation of why this program does not already exist in the environmentally challenged Southeast San Francisco. Please identify the average particle size (PM-10 and PM -2.5) of the road dust by sampling the locations where the enhanced street sweeping will occur.

Comment/Objection: The City will provide the information that currently exists to answer this question. The City objects to the request that it conduct new field sampling studies at the locations where enhanced street sweeping will occur because it is unduly burdensome and excessive given the status of the proposed PM10 mitigation program at this time. Adequate information on the likely impact of street sweeping is available from standard reference materials. In addition, the precise route and schedule for the street sweeping have not yet been developed.

3) Please provide the location of the additional monitoring sites and the monitoring results for those sites and provide monthly reports after responding to this data request.

Comment/Objection: The City is in the final process of putting the air monitors into place. Thus, there are as yet no results from the additional monitoring stations. The City intends to make the results of the additional monitoring stations generally available to the public in some easily accessible format. Once this format has been developed and is in place, the City will notify the service list so that all parties can review the monitoring results at their convenience.

5) Please provide any CEQA Environmental documents on this proposed project [the Muni Maintenance and Operations Center] including construction and operational emissions and the estimated construction schedule for this project.

Comment/Objection: The City objects to this request on the grounds that the environmental impact report (EIR) on the Muni Maintenance and Operations Center is a public document and can be obtained by Mr. Sarvey directly from the Municipal Transportation Agency (MTA). Notwithstanding and without waiving this objection, the City will provide Mr. Sarvey with the EIR for the Muni Maintenance and Operations Center. Current information about the construction of the Maintenance and Operations center (including the schedule) is provided on Muni's webpage: <http://www.sfmuni.com/cms/msc/const/3rdmaint.htm#about>

6) Please provide a Cumulative Air Quality Impact analysis including the impacts from the Illinois Street Bridge project, the Muni Maintenance Center, the pending Potrero Power Plant Project (00-AFC-4) suspended till November 15, 2005 along with other reasonably foreseeable development projects. Please discuss the Environmental Justice implications of these developments on air quality in the project area.

Comment/Objection: The City objects to undertaking a cumulative impact analysis that includes the pending Potrero Power Plant Project, i.e. Potrero Unit 7. As the City stated in Supplement A, the City does not believe that it is reasonably foreseeable that Potrero Unit 7 will be constructed and operated for the following reasons:

1. The proponent of the Potrero Unit 7, Mirant, is in bankruptcy proceedings and the Potrero Unit 7 licensing proceeding has been suspended since November 13, 2003; and
2. It is formal City policy to oppose the construction of Potrero Unit 7.

7) Please provide a detailed list of residences and businesses and the number of potential persons that would be exposed due to an accident along the entire proposed ammonia transportation route.

Comment/Objection: The City objects to this request as excessive and unnecessary. The City provided in section 8.12.3 of Supplement A, a detailed list of sensitive land uses within 3 miles of the proposed site for purposes of assessing the potential impacts of hazardous materials use at the SFERP. As detailed in sections 8.10.3.9 and 8.12.8.2.4 of Supplement A, the transportation of regulated substances, such as ammonia, is regulated by federal and state agencies. The California Highway Patrol (CHP) can issue permits and specify the route for hazardous material delivery. Aqueous ammonia will be transported in accordance with Vehicle Code Section 32100.5, which regulates the transportation of hazardous materials that pose an inhalation hazard and will only be transported along approved transportation routes. Compliance with federal and state requirements will eliminate the potential for significant impacts from the transportation of aqueous ammonia. Thus, additional detailed evaluation of the transportation route is not warranted.

In addition, the City notes, as set forth in section 8.12.4.2 of Supplement A, the supplier of aqueous ammonia will be selected during the construction and commissioning phases of the project consistent with City procurement requirements. Accordingly, the entire transportation route for the aqueous ammonia is not yet known.

Notwithstanding and without waiving this objection, in response to Mr. Sarvey's data request 8, the City will undertake and provide a risk assessment of the transportation of aqueous ammonia from Highway 101 to the project site. Given the project's location in Southeast San Francisco, it is this segment of the aqueous ammonia transportation route that is most likely to have any impact on the disadvantaged communities in Southeast San Francisco.

8) [sic] Please provide an ammonia transportation risk analysis that includes potential fatalities and non fatal injuries and an assessment of the potential impacts to public health services from an ammonia accident.

Comment/Objection: Please see the objection to data request 7.

10) Please discuss the cumulative impacts of transportation and storage of hazardous materials in Southeast San Francisco.

Comment/Objection: Please see the objection to data request 7 with regard to transportation of hazardous materials. The City's cumulative impacts analysis for the storage of hazardous materials is set forth in section 8.12.7 of Supplement A.

15. Please provide the truck accident rate per mile for the entire ammonia transportation route.

Comment/Objection: Please see the objection to data request 7.

17. Please prepare and provide a SC/CMS report for the SFERP site.

Comment/Objection: The City objects to this request as excessive and unnecessary. As the City indicated in response to staff's data request 184, there is considerable data that has been collected over more than 15 years on the SFERP site and adjacent properties. The previous studies that have been conducted were summarized in response to staff data request 184. Prior studies have been the basis for two deed restrictions that address development of the property. These deed restrictions can be found in Supplement A, Appendix 8.13. The City has provided to CEC staff, and will provide to Mr. Sarvey in response to his data request 16, volume one of the three volumes that comprise the Final Site Characterization/Corrective Measure Study and Article 22A Soil Characterization Report. In addition, the City will provide to Mr. Sarvey the laboratory results of sampling the spoils from planned geologic borings. The borings are scheduled to be undertaken within 2 to 4 weeks. The laboratory results should be available within a month following

completion of the borings. The results in combination with the prior reports adequately document the condition of SFERP site.

18. Please provide an analysis of soil samples and investigate the presence of asbestos contamination of the site.

Comment/Objection: The City will provide the laboratory results of sampling the spoils from planned geologic borings as described in the comment/objection to data request 17. The analysis will include an investigation of the presence of asbestos. The laboratory results are unlikely to be available within the 30 day response time set forth in the Commission's regulations but will be provided to staff and Mr. Sarvey when they are available.

20. Please provide a list of those industries that have violated wastewater discharge regulations and a description of those violations.

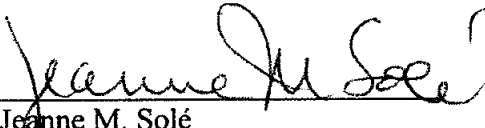
Comment/Objection: The City objects to this request on the grounds that it is unduly broad in terms of location and timing. The City will provide this information for the industries identified in response to data request 19 for the past 3 years.

Dated: July 5, 2005

Respectfully submitted,

DENNIS J. HERRERA
CITY ATTORNEY
THERESA L. MUELLER
JACQUELINE MINOR
JEANNE M. SOLÉ
DEPUTY CITY ATTORNEYS

Attorneys for City and County of San Francisco

By: 
Jeanne M. Solé
Deputy City Attorney
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
(415) 554-4619 (Telephone)
(415) 554-4763 (facsimile)
jeanne.sole@sfgov.org



CALIFORNIA
ENERGY
COMMISSION

1516 Ninth Street
Sacramento, CA 95825-5512
800-822-6228
www.energy.ca.gov

ELECTRONIC PROOF OF SERVICE LIST
Revised 5-04-05

SAN FRANCISCO ELECTRIC RELIABILITY PROJECT
APPLICATION FOR CERTIFICATION,
DOCKET NO. 04-AFC-1

docket@energy.state.ca.us	Energy Commission Docket Unit
sharris@energy.state.ca.us	Commissioner Boyd's Office
lbeckstr@energy.state.ca.us	Lana Beckstrom, Executive Assistant
	Adviser to Commissioner Boyd
cgraber@energy.state.ca.us	Cathy Graber, Commissioner Geesman Office
jgeesman@energy.state.ca.us	Commissioner Geesman
pao@energy.state.ca.us	Margaret J. Kim, Public Adviser
svalkosk@energy.state.ca.us	Stan Valkosky, Hearing Officer
gfay@energy.state.ca.us	Gary Fay, Hearing Officer
Bpfanner@energy.state.ca.us	Bill Pfanner, Project Manager
Bwesterf@energy.state.ca.us	Bill Westerfield, Staff Counsel
DRatliff@energy.state.ca.us	Dick Ratliff, Staff Counsel
BHale@sfgwater.org	Barbara Hale, Power Policy Manager SFPUC
kkubick@sfgwater.org	Karen Kubick, Project Manager
steve@deyoung.org	Steve De Young, Consultant
Jeanne.Sole@sfgov.org	Jeanne Sole, SF City Attorney
Jacqueline.Minor@sfgov.org	Jacqueline Minor, SF City Attorney
drp.gene@sbcglobal.net	Emilio E. Varanini, Counsel for California Power Authority
Jmiller@caiso.com	Jeffery Miller, Independent System Operator
no email address provided	Dave Alexander, Dept. of Water Resources, SERS
Jeffrey.russell@mirant.com	Jeffrey S. Russell, Mirant California, Intervenor
Michael.carroll@lw.com	Michael J. Carroll, Latham & Watkins LLP, Intervenor
Joeboss@joeboss.com	Joseph Boss, Potrero Boosters Neighborhood Assoc, Intervenor
karl@greenaction.org	Greenaction for Health & Environmental Justice, Intervenor
steven@sfpower.org	San Francisco Community Power, Steven Moss
SarveyBob@aol.com	Bob Sarvey, Intervenor
michaelboyd@sbcglobal.net	Michael E. Boyd, CARE, Intervenor
L_brown123@yahoo.com	Lynn D. Brown, CARE, Intervenor

I declare that I transmitted the foregoing document via e-mail, or as indicated by first class postal mail, to the above named on the date indicated thereby. I declare under penalty of perjury that the foregoing is true and correct.

John L. Carrier, J.D.
Program Manager
CH2M HILL

Docket Optical System - 04afc1_07-05-05_JCarrier_SarveyObjLtr

From: <John.Carrier@CH2M.com>
To: <Arlene.G.Hall@sfgov.org>, <Bhale@sfgwater.org>, <Anar.Bhimani@CH2M.com>, <Bpfanner@energy.state.ca.us>, <Bwesterf@energy.state.ca.us>, <cgraber@energy.state.ca.us>, <DRatliff@energy.state.ca.us>, <docket@energy.state.ca.us>, <gfay@energy.state.ca.us>, <drp.gene@sbcglobal.net>, <Jacqueline.Minor@sfgov.org>, <Jeanne.Sole@sfgov.org>, <jmiller@caiso.com>, <Jeffrey.Russell@mirant.com>, <Jesse.Blout@sfgov.org>, <joeboss@joeboss.com>, <jgeesman@energy.state.ca.us>, <kkubick@sfgwater.org>, <karl@greenaction.org>, <lbeckstr@energy.state.ca.us>, <L_brown123@yahoo.com>, <Sarah.Madams@CH2M.com>, <pao@energy.state.ca.us>, <michaelboyd@sbcglobal.net>, <Michael.Carroll@lw.com>, <SarveyBob@aol.com>, <sharris@energy.state.ca.us>, <svalkosk@energy.state.ca.us>, <rstepp@sfgwater.org>, <steve@deyoung.org>, <steven@sfpower.org>
Date: 7/5/2005 12:11 PM
Subject: 04afc1_07-05-05_JCarrier_SarveyObjLtr
CC: <Paula.Fernandez@sfgov.org>

Please find attached the City of San Francisco's objections and notices of need for additional time in response to Mr. Sarvey's June 24th data request. Copies of the letter will be sent in hard copy, as well.

John L. Carrier, J.D.
Phone: 916-286-0224
Cell: 916-996-9349
Fax: 916-614-3424

